

REMARKS

By this amendment, claims 33-42 and 44-62 are pending, in which claims 1-32 and 43 are canceled without prejudice or disclaimer, and claims 33, 34, 36, 45, 50, 52, 55, 57, 59, and 62 are currently amended. No new matter is introduced.

The Office Action mailed July 2, 2009 rejected claims 44-49 and 57-61 under 35 U.S.C. § 101, claims 33-62 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; claims 33-42, 50-56 and 62 under 35 U.S.C. § 102(e) as anticipated by *Treyz* (US Patent 6,587,835), claims 33-42, 50-56 and 62 under 35 U.S.C. § 103(a) as be unpatentable over *Treyz* (US Patent 6,587,835) in view of *Filler et al.* (WO 00/11827); claims 44-49, 57-58 and 59-61 under 35 U.S.C. § 103(a) as be unpatentable over *Filler et al.* (WO 00/11827) in view of *Yu et al.* (US Patent 6,684,087) and in further view of *Treyz* (US Patent 6,587,835).

With respect to the rejection under 35 U.S.C. § 101, Applicants have amended independent claims 45, 57, and 59 which recite use of “circuitry” and “memory.” These features are indeed tied to a particular machine. Therefore, the § 101 rejection is overcome.

Regarding the rejection under 35 U.S.C. § 112, first paragraph, Applicants have amended independent claims 33, 45, 50, 55, 57, 59, and 62 to remove the objectionable language of “characteristics,” which is now replaced with “capabilities.” This amendment is fully supported in the specification, e.g., within paragraph [0073], which states the following (Emphasis Added):

[0073] Server node 60 includes also first features such as card tables (63). Card table 63 may include a card identification field 631 that associates the user request and the possible included additional features with the card displayed to the user. A user profile 65 may also affect the card displayed to the user. User profile 65 may set dynamic user-specific features to the card. User profile 65 may include information on the user's penchants and type of the mobile terminal. These

penchants may be information indicating or relating what card's features user prefers to be displayed. For example, user may like English textual information, the picture, and a video of the card's object to be displayed on the output of mobile terminal. Another user may prefer only to display the picture of the object of the card. It may also indicate the series or sets of the card such as standard, premium, and extreme series. The user profile 65 is preferably created when user registers at the server 14 for the first time, but the user can later modify the profile 65. Upon registration the user enters personal and personal liability information to server 14. The entered information may be stored to the user database 144 which may be included in server 14. New registered users may, for example, get 5 cards for free as a bonus for the registration. **A terminal profile 66 may also affect the card displayed on the mobile terminal. Terminal profile 66 may have information relating to capabilities of the mobile terminal. Terminal profile 66 may include information on terminal types and models and their capabilities (size of display, memory size, processing capabilities, network capabilities, etc.).** For example, if a user's mobile terminal A is broken, user's digital collectible card may be displayed on a mobile terminal B. This is because mobile terminal B receives the card that has features according to the terminal profile B. The profiles may be stored on server 14. Server 14 may also inquire them if they are stored elsewhere. The mobile terminal 10 preferably displays the digital collectible card 64 to user on its display. The digital collectible card 64 being displayed may include a textual information field 641, and also a picture 642 and/or a video clip 643 (or an advertisement, or an avatar) according to what is specified in the user profile 64 and/or terminal profile 66.

Accordingly, Applicants respectfully request withdrawal of the written description rejection.

As for the rejections under §§ 102 and 103, Applicants have amended independent claims 36, 45, 50, 55, 57, 59 and 62 to reduce issues for potential appeal. As amended, claim 36 recites “a detector configured to detect whether a different apparatus is available for trading the digital collectable card wherein **the digital collectable card is configured to be viewable according to a time limit**”; claim 45 recites “detecting whether the second apparatus is available for trading the digital collectable card, wherein **the digital collectable card is configured to be temporarily viewable according to a time limit**”; claim 50 recites “a second apparatus having a second user, wherein the second apparatus is capable of associating the second user with the first

card, wherein **the first card is temporarily viewable according to a time limit**"; claim 55 recites "the short-range wireless communication transceiver further configured to detect a request for availability of the digital collectible card, wherein **the digital collectable card is configured to be temporarily viewable according to a time limit**"; claim 57 recites "detecting a request for availability of the digital collectible card, wherein **the digital collectable card is configured to be temporarily viewable according to a time limit**"; claim 59 recites "detecting whether the first mobile communication phone is in an operational range of a short range wireless communication with a second mobile communication phone, and further detecting availability of the digital collectible card data file, wherein **the digital collectable card is configured to be temporarily viewable according to a time limit**"; and claim 62 recites "the short-range wireless communication transceiver of the first mobile communication phone being configured to detect a request for availability of the digital collectible card from the second mobile communication phone, wherein **the digital collectable card is temporarily viewable according to a time limit**." The claim amendment is fully supported in the specification -- see e.g., paragraph [0020].

By contrast, *Treyz* merely describes (per the Abstract) a shopping assistance service may allow a user to obtain directory information for a shopping mall. A user may use the handheld computing device to handle shopping lists. The handheld computing device may display promotional material based on the shopping lists. The handheld computing device may be used to obtain information on products being sold in a store. At best, the secondary reference of *Filler et al.* discloses that once downloaded, cards are viewable off-line, and that the user can receive real-time current information that is viewable within the card (page 24, line 35 – page 25, line 8). Turning to *Yu et al.*, this reference is applied for a supposed teaching of "a computer being a

mobile cellular phone to enter a cellular mobile communication network and use the Internet to download digital collectible trading cards as an alternative to trading data over wired connections” (page 19, Office Action).

However, none of the applied references of *Treyz*, *Filler et al.*, and *Yu et al.*, alone or in combination, teaches “**the digital collectable card is configured to be viewable according to a time limit.**”

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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